

APPENDIX L

RECOMMENDED STANDARD SPECIAL CONDITIONS OF APPROVAL

1. Prior to building, site improvement or landscape permit issuance, the building permit application shall be consistent with the applicant's approved Stormwater Control Plan and approved special conditions, and shall include drawings and specifications necessary to implement all measures described in the approved Plan. As may be required by the City's Building, Planning or Engineering Divisions, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape and other drawings) shall show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control stormwater flow and potential stormwater pollutants. Any changes to the approved Stormwater Control Plan shall require Site & Architectural ("S" Zone) Amendment application review.
2. Prior to issuance of Certificate of Occupancy, the applicant shall submit a Stormwater Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment BMPs and other stormwater control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The stormwater control operation and maintenance plan shall include the applicant's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.
3. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 5 acres (1 acre after March 10, 2003) or greater are viewed as a source of pollution, and the RWQCB requires a Notice of intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the applicant, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.
4. Prior to issuance of an occupancy permit on this site, the required landscaping shall be planted and in place.
5. For residential projects, front yard landscaping shall be installed prior to occupancy. Back yard landscaping shall be installed prior to occupancy, if drainage is connected directly to the storm drain system.
6. The City Planning staff shall have approval authority for the installation of comparable substitute pest-resistant plant materials to satisfy the requirements of the approved landscape plan when the approved plants and materials are unavailable for installation, or when other unforeseen conditions prevent the exact implementation of the landscape plan.
7. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner in perpetuity. The pest reducing landscape maintenance techniques listed in the "Fact Sheet on Landscape Maintenance Techniques for Pest Reduction" are incorporated by reference into this condition.

8. The permitted use is conditioned on continuous and thorough implementation of the following operational stormwater pollution prevention BMPs for the life of the project. Failure to comply with this condition may be considered grounds for Use Permit revocation:

[Specify operational BMPs appropriate to the project] [This condition to be used where approval is revocable, e.g. conditional use permit]

For Restaurants:

9. Prior to building permit issuance, the applicant shall submit to the Planning Division a program assigning restaurant staff responsibility for complying with the following guidelines. The restaurant shall adhere to the following guidelines in perpetuity:
 - Keep garbage dumpsters clean inside and out; replace very dirty dumpsters with new, clean ones.
 - Double or triple-bag waste to prevent leaking.
 - Place, do not drop or throw, waste-filled bags, to prevent leaking.
 - Keep the ground under and around the garbage dumpsters swept.
 - Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.
10. Prior to issuance of a Certificate of Occupancy, the business owner shall submit an outline of the format and number of training sessions to the Planning Division to address training in preparation for opening, for new employees, and for annual recurring training. The business owner shall hold training sessions to instruct the employees on the proper procedures in the handling and disposal of food items, the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all State and local health and sanitation standards (refer to the County of Santa Clara Department of Environmental Health at (408) 729-5155 for their guidelines). The business owner shall keep training records in perpetuity, and such records must be made available to City staff upon request.
11. Prior to building permit issuance, the project plans shall include the following information: The business owner shall post signs (in English, Spanish, Chinese, Vietnamese, and/or other applicable languages) inside the premises for all employees, identifying procedures for the food delivery and disposal of garbage. The signs shall be displayed for the life of the business.
12. Prior to building permit issuance, the applicant shall submit tenant improvement plans that incorporate an indoor mat and equipment washing area that drains to the sanitary sewer. In addition, all floor drains and trash compactors shall drain to the sanitary sewer.
13. Washing of containers and equipment shall be conducted in the kitchen area such that wash water may drain into the sanitary sewer.